

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AMERICAN STORES PROPERTIES,  
INC.,

Plaintiff,

v.

SPOTTS, STEVENS & MCCOY, INC.,  
et al.,

Defendants.

CIVIL ACTION

NO. 05-1461

**FILED**

AUG 13 2009

MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

**ORDER**

AND NOW, this 13th day of August, 2009, upon consideration of the Defendant High's Motion for Summary Judgment (Doc. No. 148), it is hereby ORDERED that Defendant's Motion for Summary Judgment is DENIED.

BY THE COURT:

*Joel H. Slomsky*  
JOEL H. SLOMSKY, J.